

APPROVED: Meeting No. 34-97

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 25-97

May 27, 1997

The Mayor and Council convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on May 27, 1997, at 7:37 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, Brenda Bean, for the City Clerk Paula Jewell who is on leave, and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn expressed his pleasure with the success of the Hometown Holiday weekend. He mentioned the tremendous support received again this year from the business community and thanked the Chamber of Commerce and the Jaycees for their fundraising and organizing efforts. Mr. Kuckkahn estimated that over \$117,000 was raised. Mr. Kuckkahn stated that Saturday's event drew approximately twenty-five thousand individuals and that the popularity of the Memorial Day Parade has grown in such numbers that it now attracts people such as the Governor, who spoke at the beginning of the parade.

The City Manager thanked the Mayor and Council for its support, as well as staff and

volunteers who contributed to the overall success of the weekend.

Councilmember Harrison acknowledged staff's tremendous efforts and congratulated them for a job well-done. Councilmember Marrinan also thanked staff, and in particular, Betsy Thompson, for coordinating and ensuring a great visit to Rockville by our Pinneberg, Germany guests, who also participated in Hometown Holiday activities.

2. Currently we have visiting from South America, Eevanor Gootearee Gonzalaz. Mr. Gonzalaz is a Lawyer/Police Commissioner, in charge of a district of 450,000 people from 8 different municipalities. During his visit, Mr. Gonzalaz attended Hometown Holidays and was introduced to various City and County Police Officers and Government Officials. Among other things, he will learn about our computer system, D.A.R.E. Program and Community Services collaboration with community policing efforts. He will also work with narcotic investigators and the County's auto theft squad.

3. The Farmer's Market will begin on June 7th and runs through October 25th, on Wednesdays and Saturdays.

4. Mr. Kuckkahn announced the Beall Dawson Historical Park open house on Saturday, May 31st and Sunday, June 1st, from 1:00 to 4:00 p.m. and stated that the purpose of the open house was to provide visitors with an opportunity to view the Historic Landscape Study and Master Plan and offer comment.

Mayor Krasnow pointed out that the Open House would also deal with the issue of whether or not to install a new parking lot to allow for more space for gardens

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on the grounds. The parking lot issue is of much concern to neighbors and will also be addressed at the open house.

5. The Gazette Open Tennis Tournament will take place Friday, May 31st and will run throughout the weekend with finals on Monday, June 3rd. Mr. Kuckkahn expressed his appreciation to the Rockville Elks Lodge #15 and Doran & Associates for their support in making this tournament possible.

Re: Presentation of
Proclamation supporting
the enactment into law of
the Federal Employment
Non-Discrimination Act
(ENDA), and recognizing
June 1-7, 1997 as Lesbian
and Gay Pride Week.

Proclamation No. 11-97

By a unanimous vote of the Mayor and Council, the above Proclamation was read by Mayor Krasnow and duly approved. The full text of the Proclamation can be found in the 1997 Proclamation File of the Mayor and Council. Minnie Anderson, District Director of Congresswoman Morella's Office, and Susan Sloth, a representative from Gay and Lesbian Interests Consortium (GLIC), were on hand to accept the Proclamation.

Following the reading of the Proclamation the following persons spoke regarding their objections to the words "transgender" and "bisexual" being omitted from the proclamation: (1) Susan Sloth, Boardmember Gay and Lesbian Interests Consortium, Montgomery County; (2) Robin Elizabeth Margolies, National Coordinator

of the Bisexual Center Alliance; (3) Donna Redwing, National Field Director, Human Rights Campaign; (4) Jessica Meredith Xavier, Spokesperson for "It's Time Maryland," and (5) Marlee Davidson of BiNet, USA.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Denise Fredericks, 1024 Scott Drive asked the Mayor and Council to explore the possibility of placing a four-way stop sign on Baltimore Road at its intersection with Edmonston Drive. Ms. Fredericks commented on the number of accidents due to speeding traffic and aggressive driving along that Road.

2. Lisa O'Brien, 1109 Baltimore Road also commented on the speeding traffic and aggressive driving taking place on Baltimore Road. Mrs. O'brien suggested that the 4-way stop sign would be a simple, low-cost solution.

Councilmember Marrinan suggested that a traffic study, similar to the one done recently on Nelson Street, might be appropriate for Baltimore Road. Mayor Krasnow asked the City Manager to have staff follow up.

3. Larry Giammo, Carr Avenue, speaking as an individual member of the Planning Commission regarding the proposed Chestnut Lodge Development. Mr. Giammo proposed the following alternatives to the Map Amendment and Planned Residential Unit applications currently being considered: 1) reclassifying the zoning from R-90 to R-150; 2) using R-60 development standards as the development standards for the Planned Residential Unit; 3) adopting a 35-ft building restriction line along the

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exterior boundary; and 4) modifying the MPDU regulations so that the MPDU requirements do not apply to land developed under a PRU, and land developed exclusively with single family homes and zoned R-E, R-S or R-150.

Re: Appointments

Upon motion of Councilmember of Robert Dorsey, duly seconded and unanimously passed, Bob Mentzer, Mary Ryan and Anna Mae Taylor, were appointed to the Rockville Seniors, Inc. Board of Directors.

Re: Approval of Minutes

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 09-97 (February 24, 1997) were approved as amended.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the minutes of Meeting No. 12-97 (March 10, 1997) were approved as amended.

Re: Consent Agenda

Councilmember Bob Wright requested the removal of Consent Agenda Item A.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the following items were approved:

(B) Award of Bid #22-97
To: District International Truck, Inc.
Of: Hyattsville, MD
In the amount of: \$44212

For: Purchase of one medium duty

dump truck

(C) Award of Bid #81-97
 To: Waste Management of
 Montgomery County
 Of: Gaithersburg, MD
 In the amount of: \$30,504.69

(D) Award of Bid #86-97
 To: Metro Rentals, Inc.
 Of: Gaithersburg, MD
 In the amount of: \$64,651.75

For: Purchase of one skid steer loader
 and attachments

(E) Award of Bid #87-97
 To: Francis O. Day Co., Inc.
 Of: Rockville, MD
 In the amount of: \$82,775.00

For: Placement of asphalt surface
 pavement on various city streets

Re: Consent Item (A)
 Award of Modification to Bid #8-94
 To: Tank Industry Consultants, Inc.
 (TIC)
 Of: Laurel, MD
 In the Amount of: \$92,310

For: Construction inspection services,
 air and soil monitoring contract
 administration, shop drawing
 review and neighborhood
 outreach services for
 rehabilitation of the Hunting Hill
 Water Tank

Regarding Consent Agenda Item (A), the water tower on Glen Mill Road,

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Councilmember Wright sought clarification regarding the type of outreach that would be done, and whether city staff or the contractor did the outreach.

Hal Cranor noted the last project of this type was Carr Avenue, and that City staff conducted the outreach efforts to notify the area schools and neighbors about the schedule of work as well as to explain the process and the precautions that would be taken.

Mayor Krasnow said she wanted the residents of the nearby Willows of Potomac community to be aware that a similar project was just completed in another neighborhood and there were no complaints from neighbors while that project was going on.

Councilmember Harrison said that those persons being notified should be made aware of the noise level caused by the generators.

Upon Motion of Councilmember Wright, duly seconded and unanimously passed, Consent Agenda Item A was approved.

Councilmembers Dorsey and Marrinan expressed their pleasure over the fact that the vendors on the Consent Agenda were Maryland businesses.

Re: Emergency Procurement

To: Service Machine Shop

Of: Rockville, MD

In the amount of \$34,000.00

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For: Repairs of high service
pumps at the Water
Treatment Plant

Hal Cranor briefly explained the need for the emergency procurement.

During peak summer months, it is necessary to operate all three pumps at one time.

The condition of some of the pumps are very poor and need to be repaired prior to the heavy summer demand. Mr. Cranor said that the annual service contract of the pumps would ensure proper operation and would accommodate the heavy demand of peak months.

Upon Motion by Councilmember Marrinan, duly seconded and unanimously passed, the emergency procurement was approved.

Re: Adoption of Resolution to cause
an advisory referendum of the
voters to be taken on the question
of increasing the term of office
for the Mayor and
Councilmembers from two years
to four years.

Resolution No. 6-97

Councilmember Marrinan compared our terms with that of our sister city, Pinneberg. Our German counterparts have 4-year terms of office for the Councilmembers and the Burgermeister has 6-year terms. Mr. Marrinan commented that running for elective office every 2 years is an effort on the part of the candidates and detracts from the service the elected body provides to citizens.

Councilmember Wright clarified that the proposed change to the Election

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law would not become effective until the November, 1999 election, and that the upcoming election would not be affected.

Mayor Krasnow added that the current two year term may prevent people from running for office. She also commented that two years was simply not enough time to complete projects initiated by the current elected body.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution to cause an advisory referendum of the voters to be taken on the question of increasing the term of office for the Mayor and Councilmembers from two years to four years was adopted. A copy of the full text of the Resolution can be found in Resolution Book No. 11.

Re: Mayor and Council Action
regarding charges filed against
Regina McAndrew

Resolution No. 7-97

Mayor Krasnow indicated that the resolution before the Mayor and Council sets forth the findings and conclusions of the Mayor and Council, substantiates the charges against Ms. McAndrew and removes her as a commissioner of the Rockville Housing Authority (RHA). Some of the concerns which led to the Mayor and Council's action were:

- The Authority had no plan of action to address the issue of cutbacks taking place at the federal level.
- At least one commissioner resigned because he was concerned that

no action had been taken regarding cutbacks.

- RHA received extremely low PHMAT scores for two years in a row from HUD;
- accusations received by individuals had never been investigated by the Board.
- the appearance of the grounds of the Housing Authority have been extremely poor

Mayor Krasnow mentioned that while it was not expected that RHA be responsible for the day-to-day activities of the Authority, the overall operation of the Authority was imperative, and it was the feeling of the Mayor and Council that this was not done.

Councilmember Wright commented that the Board was different from the other Rockville Boards in that the Authority has a 4 million dollar budget, and no other Rockville board had that same responsibility. Mr. Wright said that these commissioners did not fulfill their fiduciary responsibilities.

Upon Motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution removing Regina McAndrew from her position on the Board of Commissioners of the Rockville Housing Authority was adopted. A copy of the full text of the Resolution can be found in Resolution Book 11.

Re: Adoption of Resolution to
enlarge the corporate boundaries
of the City of Rockville to

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include 5.66 acres of land, more or less, Eastern Diversified Properties, Petitioner.

Resolution No. 8-97

Mr. Kuckkahn mentioned that the staff report was presented at the January 21, 1997 Public Hearing on the matter and there were no further issues to be discussed.

Upon Motion of Councilmember Wright, duly seconded and unanimously passed, Resolution No. 8-97 enlarging the corporate boundaries of the City of Rockville to include approximately 5.66 acres of land was approved. A copy of the full text of the Resolution can be found in Resolution Book No. 11 of the Mayor and Council.

Re: Introduction of Ordinance to Adopt Zoning Map - Annexation Petition ANX96-0123, Eastern Diversified Properties, Petitioner.

To establish C-2, General Commercial, zoning of approximately 5.66 acres of land located at 15625 Frederick Road.

There being no discussion on this item, Councilmember Marrinan duly introduced this Ordinance.

Re: Approval of participation in the City's Regional Participation Program for 0.88 acres of the National Capital Research Park office development site in the Watts Branch watershed, and

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acceptance of a \$40,480 contribution to the SWM fund. The runoff enters a tributary of Watts Branch which has several stormwater management facilities along its length.

Hal Cranor, Director of Public Works, gave a brief presentation on this agenda item. Currently, there exists an impervious area that is 5.83 acres. The developer proposes increasing that to 6.93 acres. The whole site, except for 1.1 acres, would then be picked up in a localized pond setting. The topography will not permit the 1.1 acreage to drain into the pond. The vast majority of stormwater management is being handled on site, and the contribution is being sought for that portion which cannot physically drain onto the facility.

Councilmember Harrison inquired whether or not the land surrounding the regional facility was developed and if so, would it drain into Watts Branch. Mr. Cranor indicated that the land was developed and runoff was draining through a culvert across Research Boulevard and eventually into Watts Branch. Mr. Kuckkahn said the retrofitting would provide for additional environmental protection and he suggested that the same improvements be applied to all future redevelopment in this area.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the participation in the above Regional Program was approved, and the \$40,480 contribution was accepted.

Re: Discussion and instructions to staff to modify Chapter 21 of the City Code, with regard to review

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and inspection fees for private improvements, and warranty (maintenance) bonds.

Hal Cranor, Director of Public Works, explained that the revisions would ensure necessary funds for staff time involved in reviewing, enforcing and inspecting the grading process for sidewalks and infrastructure on residential lots. Currently, no mechanism is in place and this modification would provide the funding for such a mechanism. Having heard Mr. Cranor's presentation, the Mayor and Council instructed staff to move forward with the above item.

Re: Discussion and instruction to staff to modify the City Code with regard to review, inspection and enforcement of grading on private residential lots.

Mr. Cranor explained that the Community Development and Public Works Departments worked together to repair some of the holes found private residential lots throughout the City. A great deal of the work done in Rockville is related to infill (settlement of fill -- depressed areas) problems. The modification of the City Code will ensure proper backfill and drainage, grading of private lots and drainage. It will also assist staff in inspecting elevations and drainage patterns.

Councilmember Marrinan inquired whether staff might be overburdened by the additional workload. Mr. Cranor said that by not dealing with the matter up front, the extra work for staff in the future was inevitable.

The Mayor and Council instructed staff to move forward with the above

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item.

Re: Adoption of Resolution to modify
sediment control permit fee
structure.

Mr. Cranor explained that the purpose of this Resolution is to establish a three phase permitting process. A large developer may come in and obtain rough grading permits for lots and roads. Afterwards, they request permits for the second phase of the project to construct roads. The developer may then sell the project thereby avoiding the rest of the permit process. A small subdivision is usually done in one phase but this is not the case with larger developments. Presently, more staff time is required because permitting and charging occurred only once, even though there were three separate phases.

Mr. Kuckkahn said that the absence of a permitting structure made it difficult for the City to provide the appropriate service, especially in view of the 15% increase in population caused by the King Farm development.

Mayor Krasnow expressed her concerns that the additional fees may affect "affordable housing" efforts. Mr. Cranor said that while the fees would ultimately be passed down to the homeowner, they would ensure greater quality construction and that work was being done properly.

Upon Motion of Councilmember Harrison, duly seconded and unanimously passed, Resolution No. 9-97 modifying the sediment control permit fee structure, was approved. A copy of the full text of Resolution can be found in Resolution Book No. 11 of the Mayor and Council.

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Re: Adjourn

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:19 p.m., to convene again in a Budget Worksession on June 2, 1997, immediately following the Public Hearings.